

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCIL MEETING**

Wednesday, May 22, 2019

5:30 p.m.

Council Chambers

8000 South Redwood Road

West Jordan, Utah 84088

COUNCIL: Mayor Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chris M. McConnehey, and Kayleen Whitelock. Council Member Chad R. Lamb arrived at 5:36 p.m.

STAFF: David Brickey, City Manager; Korban Lee, Assistant City Manager; Rob Wall, City Attorney; Scott Langford, Community Development Director; Dave Zobell, City Treasurer; Brock Hudson, Community Preservation Director; Brian Clegg, Public Works Director; Derek Maxfield, Fire Chief; Ken Wallentine, Police Chief; Robert Allred, Information Technology Director; Michael Oliver, Information Technology Manager; Jared Tingey, Assistant City Attorney; David Murphy, Engineering Manager for Capital Improvement Projects; Reed Motzkus, Police Lieutenant; Chuck Tarver, Grant Coordinator; Ray McCandless, Senior Planner; David Clemence, Real Property Administrator; Amy McKennon, Assistant Real Property Administrator; Tangee Sloan, Deputy City Clerk and Jamie Brooks, Interim City Clerk.

I. CALL TO ORDER

Mayor Riding called the meeting to order at 5:30 p.m.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Betty Naylor.

III. BUSINESS ITEM

**ADOPT RESOLUTION 19-95, CONSENTING TO THE APPOINTMENT
OF ROBERT ALLRED AS THE INFORMATION TECHNOLOGY
DIRECTOR OF THE CITY OF WEST JORDAN, AUTHORIZING THE
MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT, AND
ADMINISTERING THE OATH OF OFFICE**

David Brickey explained that he completed an extensive search for an individual to serve as the Information Technology Director for the City of West Jordan. He asked that the Council confirm the appointment of Robert Allred as the I.T. Director and requested approval of the employment agreement between the City of West Jordan and Mr. Allred.

MOTION: Councilmember McConnehey moved to approve Resolution 19-95, consenting to the appointment of Robert Allred as the Information Technology Director of the City of West Jordan, and authorizing the Mayor to execute an employment agreement. The motion was seconded by Councilmember Burton.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Absent
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 6-0.

The City Councilmembers stepped down from the dais as the Oath of Office was administered.

IV. CITIZEN COMMENTS

Betty Naylor, West Jordan resident representing the Salt Lake County Farm Bureau, provided the Council with invitations to a Farm Bureau event that would take place on June 15th.

There was no one else who wished to speak.

V. COMMUNICATIONS **CITY COUNCIL COMMENTS/REPORTS**

Councilmember Jacob –

- Said he was contacted by a citizen who asked why neither of the contracts on the agenda were posted online and said he would like the contracts to be publicly available. David Brickey apologized to the Council and citizens and explained that last minute changes to the contracts were necessary. The contracts were later added to the information available online.

Councilmember Whitelock –

- Said she was contacted by a citizen with a question about funding for potential department head payouts when the form of government was changed. Staff responded that the next Council would have to determine funding within the next budget cycle. Councilmember Whitelock said she believed the amount anticipated for the potential payouts was a number the Council should be aware of.
- Distributed pins provided upon the retirement of the Jordan School District Superintendent.

Councilmember Anderson –

- Asked about the employment contract negotiation process. David Brickey explained that contracts were negotiated prior to Council approval.
- Described various issues on which he coordinated with staff.
- Said he was pleased with how the budget for the coming fiscal year was assembled.

Councilmember Burton –

- Said he rode his bike from West Jordan to Ogden to celebrate the Golden Spike anniversary.
- Attended two events involving West Jordan schools
- Expressed appreciation for the fine Police Officers in West Jordan.
- Reminded the Council of a Memorial Day event scheduled for 9:00 a.m. at Veterans Memorial Park.

Councilmember McConnehey –

- Recognized recently retired Melanie Briggs for her significant impact and contribution to the City as City Recorder.

CITY MANAGER AND STAFF COMMENTS/REPORTS

Ken Wallentine –

- Thanked West Jordan citizens, particularly the young school children, for the love and support shown during Police Appreciation Week.
- Stated that Senior Scientist Francine Bardole with the West Jordan Police Department Forensics Lab was recently recognized for exemplary work by the Idaho Falls Police Department.

VI. CONSENT ITEMS

- Approve the minutes of April 30, 2019**
- Adopt Resolution 19-96, authorizing the Mayor to execute an employment agreement with Brian Clegg**
- Adopt Resolution 19-97, declaring a City-owned mobile home located at 1423 West Bridgeport Way surplus property and authorizing the City Manager to dispose of the mobile home in accordance with § 3-1-14 of the West Jordan Municipal Code**
- Adopt Resolution 19-98, approving a Real Estate Contract with Brilex Family Trust, Wende Throne, Trustee, to purchase real property located at 1415 West Bridgeport Way, and authorizing the Mayor to execute the same**

- e. **Adopt Resolution 19-99, authorizing the Mayor to execute a Work Order Agreement with TELLUS Safety Solutions for Traffic Accident and DUI Reporting in an amount not to exceed \$66,800**
- f. **Adopt Resolution 19-100, authorizing the Mayor to execute a Contract for Professional Services with WCEC Engineers to provide environmental clearance for the 1300 West — 9400 South to 6600 South Road Widening and Reconstruction project in an amount not to exceed \$26,531.00**
- g. **Adopt Resolution 19-101, authorizing the Mayor to execute a Contract with B. Jackson Construction for Milling and Sweeping services in an amount not-to-exceed \$150,000.00**
- h. **Adopt Resolution 19-102, authorizing the Mayor to execute a Rental Agreement with Wheeler Machinery Company for the rental of a Caterpillar Backhoe Loader 420 in an amount not-to-exceed \$11,100.00**
- i. **Adopt Resolution 19-103, accepting a grant in the amount of \$125,000 and authorizing the Mayor to execute a Cooperative Agreement with Utah Department of Natural Resources, Division of Wildlife Resources for construction activities & related services at the “Big Bend” Habitat site**
- j. **Adopt Resolution 19-104, accepting a grant in the amount of \$180,000 and authorizing the Mayor to sign a Cooperative Agreement with the Utah Department of Natural Resources, Division of Wildlife Resources for construction activities and related services at the “Big Bend” Habitat site**
- k. **Adopt Resolution 19-105, authorizing the Mayor to execute the Pedestrian Access and Crossing Agreement with UTA for the installation and maintenance of an ADA pedestrian access and crossing, in an amount not to exceed \$940.00.”**
- l. **Adopt Resolution 19-106, authorizing the Mayor to execute a contract with Redoubt Restoration for construction services on the Big Bend Habitat Restoration Project in an amount not to exceed \$883,855.30**

Consent Items 6i and 6l were pulled for further discussion.

MOTION: Councilmember Burton moved to approve all Consent Items except 6i and 6l. Councilmember McConnehey seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes

Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

VII. CONSENT ITEMS DISCUSSION

Mayor Riding suggested combining discussion of 6i and 6l.

CONSENT ITEM 6i

ADOPT RESOLUTION 19-103, ACCEPTING A GRANT IN THE AMOUNT OF \$125,000 AND AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT WITH UTAH DEPARTMENT OF NATURAL RESOURCES, DIVISION OF WILDLIFE RESOURCES FOR CONSTRUCTION ACTIVITIES AND RELATED SERVICES AT THE "BIG BEND" HABITAT SITE

Chuck Tarver explained that the City of West Jordan developed plans for the restoration of 70 acres along the Jordan River that was part of the original Sharon Steel Settlement for the Super Fund clean-up program. The City worked numerous years on this project and divided it into 4 separate phases:

Phase 1: Project 60% design and approval by City Council;

Phase 2: Realignment of the river channel between 8400 S and 8800 S with the construction of a wetland;

Phase 3: Creation of a habitat area to the east of the river realignment.

Phase 3.1 Construction of an urban fishery to be located along the Jordan River Trail at approximately 8600 S;

The Utah Department of Natural Resources, Division of Wildlife Resources funding will provide for construction activities & related services at the "Big Bend" Habitat site and development of the Urban Fishery.

CONSENT ITEM 6l

ADOPT RESOLUTION 19-106, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH REDOUBT RESTORATION FOR CONSTRUCTION SERVICES ON THE BIG BEND HABITAT RESTORATION PROJECT IN AN AMOUNT NOT TO EXCEED \$883,855.30

Mr. Tarver explained that the project location was on the Jordan River in West Jordan at approximately 9000 South 700 West. The project proposed the installation of an approximately 4-acre Urban Fishery pond with 2 inlet channels and an outlet channel into the Jordan River. The purpose of the Big Bend Restoration Project was to:

1. Create an Urban Fishery pond for fishing and other recreational opportunities
2. Improve the aesthetics of the river corridor
3. Enhance pond and river corridor habitat
4. Improve upland and riparian zone ecological diversity and function

The primary construction tasks associated with the project were the excavation of a pond, installation of a pond liner, installation of 2 inlet channels from the North Jordan irrigation canal, installation of an outlet channel to the Jordan River, creation of upland berms and topographic diversity, and planting of aquatic, riparian and upland plants and grasses.

The project was advertised per City of West Jordan requirements. Three bids were received (see attached tabulation form). The bids were tabulated, and Redoubt Restoration was the lowest responsible and responsive bidder (cost difference due to a mathematical error).

MOTION: Councilmember Burton moved to approve Resolution 19-103, authorizing the Mayor to execute a cooperative agreement with Utah Department of Natural Resources, Division of Wildlife Resources for construction activities and related services at the “Big Bend” Habitat Site, and Resolution 19-106, authorizing the Mayor to execute a contract with Redoubt Restoration for construction services on the Big Bend Habitat Restoration Project in an amount not to exceed \$883,855.30. Councilmember Whitelock seconded the motion.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

VIII. BUSINESS ITEMS

DISCUSSION AND POSSIBLE ACTION REGARDING RESOLUTION 19-107, APPROVING A LEASE AGREEMENT BETWEEN THE WEST JORDAN HISTORICAL SOCIETY, INC., A UTAH NON-PROFIT CORPORATION AND THE CITY OF WEST JORDAN

Korban Lee explained that the West Jordan Historical Society, Inc. was a Utah non-profit corporation that provided for the West Jordan Museum. The City’s Lease Agreement

with the Society had expired and after modifications were made to the expired agreement, a new Lease Agreement, if approved by the City Council, would set forth a term of two years with two renewal terms of two years each (total of six years with both renewals).

If the Lease Agreement was approved, a grant to the Historical Society required that a public hearing be noticed for a future agenda. Mr. Lee reviewed details of the Lease Agreement with the Council. Responding to a question from Councilmember Burton, Korban Lee stated the Historical Society had not yet received a copy of the latest version of the contract. Mr. Lee said it was his understanding that they wanted to proceed as quickly as possible. Councilmember Burton expressed a desire to make sure all Historical Society concerns were addressed.

Councilmember Jacob said he was not comfortable approving the proposed Resolution until corrections were made and the public hearing held.

Councilmember Anderson said he would be more comfortable following the established process for public hearings and approval.

Councilmember Whitelock said she was not comfortable voting on the Resolution until changes were made.

Councilmember McConnehey said his primary concern was to make sure the value to the community was articulated.

MOTION: Councilmember Burton moved to permit the Historical Society to operate the Museum according to the parameters of the preexisting contract up through and until June 12 when the contract would be reviewed and moved forward.

The motion failed for lack of second.

MOTION: Councilmember Jacob moved to proceed with the final lease, set the public hearing and return the item for approval on June 26, 2019. The motion was seconded by Councilmember Whitelock.

A roll call vote was taken

Councilmember Anderson	Yes
Councilmember Burton	Yes
Councilmember Jacob	Yes
Councilmember Lamb	Yes
Councilmember McConnehey	Yes
Councilmember Whitelock	Yes
Mayor Riding	Yes

The motion passed 7-0.

**IX. WORKSHOP
DISCUSSION AND DIRECTION TO STAFF FROM COUNCIL
REGARDING HB119 PERTAINING TO REFERENDA**

Robert Wall gave a presentation regarding HB119 pertaining to referenda. His presentation included the following:

- The Utah Supreme Court would continue to zealously protect the “People” as a co-equal legislative body.
- The Utah Legislature would retain its obligation/right to determine the “Process” for citizen-initiated legislation.
- The Utah Supreme Court would continue to closely watch the Process enacted by the Utah Legislature.
- Local legislative decisions were referable; local administrative decisions were not referable.
- Actions by legislative bodies in the Council/Mayor form of government were always legislative.
- For a referendum to successfully be placed on a ballot, signatures were required from 15% of: (1) the number of active voters in at least 75% of a city’s Voter Participation Areas, and (2) the total number of all active voters in the city.
- A Voter Participation Area was defined as: eight contiguous and compact areas of substantially equal populations.
- Definition of Active Voters: the number of active voters registered in a city immediately preceding January 1.
- West Jordan City had two options:
 - Designate the four existing Council Districts as Voter Participation Areas
 - or
 - Designate eight Voter Participation Areas

Councilmember McConnehey asked if there would be significant difference in the staff time/effort required to define eight Voter Participation Areas versus four. Mr. Wall responded that Voter Participation Areas would be redefined every ten years. He said staff had already spent a relatively small amount of time loosely defining potential boundaries for eight Voter Participation Areas.

Councilmember Burton left the meeting at 6:32 p.m. and returned at 6:37 p.m.

Councilmembers McConnehey, Anderson, Jacob, and Whitelock said they would prefer eight Voter Participation Areas. Mayor Riding directed the City Manager to prepare a proposal, including a map and a table of number of voters, for Council consideration at the end of August.

MOTION: Councilmember McConnehey moved for a ten-minute recess. Councilmember Burton seconded the motion which passed unanimously.

The Council meeting recessed at 6:54 p.m. and reconvened at 7:04 p.m.

DISCUSSION AND UPDATE REGARDING OQUIRRH MOUNTAIN RESORT

Scott Langford updated the Council regarding Oquirrh Mountain Resort. Ray McCandless explained changes made to the development plan since it was last presented to the Council. At the time of presentation, there were 25 lots of more than 12,000 square feet, and 155 lots of between 6,000 and 7,000 square feet in the development plan. The amount of open space had not changed. The first phase of construction was divided into Phase 1a and Phase 1b to offset some of the initial cost to provide access to the development.

Councilmember McConnehey left the meeting at 7:11 p.m. and returned at 7:12 p.m.

Councilmember McConnehey asked if enough space was reserved to accommodate traffic growth over time. Mr. Langford described discussions with UDOT, as well as discussions with other southwest cities to address future traffic needs.

Councilmember Burton asked why the townhomes were switched to senior housing. Greg Haws, developer, responded that it was done in order to meet compliance of the Cap and Grade ordinance. Mr. Haws explained that the issue driving the decision to split the first phase was water. He said Phases 1a and 1b would be built concurrently if water was available.

Mr. Langford confirmed that construction had begun on the elementary school. Robert Wall emphasized that 8600 South would not be built until later in the project. David Murphy said it was possible to budget over the next five or six years for the City's portion of the street construction cost, and to coordinate with the developer to schedule completion of the City's portion. The City would pay back the developer through a bond or with impact fees over time.

Kent Hoggan, developer, said he was confident the development agreement would be completed quickly. He stated the northeast portion of the project would most likely be developed in four or five years.

Mr. Langford explained that the developer was trying to obtain established water rights from other developers to be able to complete Phase 1a.

X. REMARKS

Councilmember McConnehey clarified his earlier comments by saying that former City Recorder Melanie Briggs had retired.

Councilmember Burton expressed appreciation to Melanie Briggs for her service to the City of West Jordan.

Councilmember Anderson also expressed appreciation to former City Recorder Melanie Briggs and stated that she would be truly missed.

Councilmember Whitelock said she was grateful for Melanie Briggs' friendship.

There were no additional remarks.

XI. CLOSED SESSION

STRATEGY SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL; STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION; AND STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARES

COUNCIL: May Jim Riding, and Council Members Alan Anderson, Dirk Burton, Zach Jacob, Chad R. Lamb, Chris M. McConnehey and Kayleen Whitelock.

STAFF: David R. Brickey, City Manager; Korban Lee, Assistant City Manager, and Robert Wall, City Attorney.

MOTION: Councilmember Burton moved to go into a Closed Session for a Strategy Session to discuss the character, professional competence, physical or mental health of an individual; strategy session to discuss pending or reasonably imminent litigation; and a strategy session to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, and adjourn from there. The motion was seconded by Councilmember Jacob and passed unanimously.

The City Council recessed at 7:51 and convened a closed session at 7:58 p.m.

DISCUSSION OF THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

- #1) 7:58 p.m. to 8:21 p.m.
- #2) 8:21 p.m. to 8:25 p.m.
- #3) 8:26 p.m. to 8:29 p.m.
- #4) 8:30 p.m. to 8:33 p.m.

STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

- #1) 8:33 p.m. to 8:43 p.m.

STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, INCLUDING ANY FORM OF A WATER RIGHT OR WATER SHARE

- #1) 8:44 p.m. to 8:47 p.m.

The closed session recessed at 8:47 p.m.

XII. ADJOURN

The meeting adjourned at 8:47 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

JIM RIDING
Mayor

ATTEST:

TANGEE SLOAN
Deputy City Clerk

Approved this 17th day of July 2019